

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **People of MI v David Brian Binienda**
Docket No. **273485**
L.C. No. **2006-001701-FH**

Pat M. Donofrio, Judge, acting under MCR 7.211(E)(2), orders:

The motion for leave to file a substitute appellant's brief is GRANTED. The brief that was received with the motion will be accepted for filing as appellant's brief on appeal. The appellant's brief filed by former counsel on January 26, 2007, is STRICKEN. The prosecutor may file an amended appellee's brief within 35 days of the Clerk's certification of this order.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

OCT 24 2007

Date

Sandra Schultz Mengel
Chief Clerk